UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140

OFFICE OF
COMPLIANCE AND ENFORCEMENT

APR 12 2018

Reply To: OCE-101

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

CT Corporation System
Registered Agent for
Port Townsend Paper Corporation
711 Capitol Way South, Ste. 204
Olympia, Washington 98501-1267

RE: Notice of Violation issued to Port Townsend Paper Corporation

Dear Registered Agent:

The U.S. Environmental Protection Agency (EPA) is issuing the enclosed Notice of Violation (NOV) to Port Townsend Paper Corporation (PTPC) in accordance with Section 113(a) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a), regarding PTPC's pulp and paper mill in Port Townsend, Washington ("PTPC Mill"). EPA has determined that PTPC has violated Section 112 of the CAA, 42 U.S.C. § 7412, and applicable regulations, as well as PTPC's Title V permit and the operating permit provisions of the CAA, including Section 502 of the CAA, 42 U.S.C. § 7661a. These violations are described in more detail in the enclosed NOV.

We believe the violations alleged in the NOV are serious and intend to pursue injunctive relief, as needed, and civil penalties. We encourage you, however, to meet with us to ensure that we have all relevant information and to discuss your plans for addressing the violations.

If you are interested, EPA proposes a meeting on May 23, 24, 30, or 31, 2018, at a mutually convenient time at the Region 10 Offices in the Park Place building in Seattle. In order to confirm the particulars of this meeting or to request an alternative date, please contact Roylene Cunningham at (206) 553-0513 or have PTPC's legal counsel contact Julie Vergeront at (206) 553-1497 or Julie Matthews at Matthews.Juliane@epa.gov in Region 10's Office of Regional Counsel **within fourteen days** of receiving this letter. EPA will consider a failure to contact EPA within fourteen days of receipt to mean that PTPC is declining the opportunity to meet with EPA to informally discuss these matters.

Sincerely,

Edward J. Kowalski
Director

Enclosure
1. Notice of Violation

cc: Mr. Darren Wilson, Environmental Manager
Port Townsend Paper Corporation

Mr. Charlie Hodges, President
Port Townsend Paper Corporation

Mr. Stuart Clark
Washington State Department of Ecology

Ms. Stephanie Ogle
Washington State Department of Ecology

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

IN THE MATTER OF:	)	
	)	
Port Townsend Paper Corporation	)	
Port Townsend, Washington	)	**NOTICE OF VIOLATION**
	)	
	)	
Respondent.	)	
	)	

Pursuant to Section 113(a) of the Clean Air Act ("CAA" or "Act"), 42 U.S.C. § 7413(a), the United States Environmental Protection Agency ("EPA"), through the Director of the Office of Compliance and Enforcement, and upon the basis of available information, hereby issues the following Notice of Violation to Port Townsend Paper Corporation ("PTPC") for violations of the CAA at its pulp and paper mill in Port Townsend, Washington ("PTPC Mill").

APPLICABLE STATUTES AND REGULATIONS

1. The Clean Air Act establishes a regulatory scheme designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. 42 U.S.C. § 7401(b)(1).

National Emissions Standards for Hazardous Air Pollutants

2. Section 112(c) and (d) of the CAA require EPA to publish a list of categories of "stationary sources" of hazardous air pollutants ("HAPs"), and to promulgate regulations establishing emission standards for "major sources" within those categories. 42 U.S.C. § 7412(c) and (d). These standards are known as the National Emissions Standards for Hazardous Air Pollutants ("NESHAP") for Source Categories (also referred to as "MACT" standards), and are

codified at 40 C.F.R. Part 63.

3. "Stationary source" under Section 112 has the same meaning as the term has under Section 111(a) of the CAA. 42 U.S.C. § 7412(a)(3). Section 112 of the CAA defines "major source" as any stationary source, or group of stationary sources, located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, more than 10 tons per year of any single HAP or 25 tons per year or more of any combination of HAPs. 42 U.S.C. § 7412(a)(1).

4. EPA has promulgated general provisions for the Part 63 NESHAP at 40 C.F.R. Part 63, Subpart A ("NESHAP General Provisions"), which contain general provisions that apply as specified in the relevant NESHAP. 40 C.F.R. § 63.1(a)(4)(i).

5. HAPs are defined at 40 C.F.R. § 63.2 to mean pollutants listed in, or pursuant to, Section 112(b) of the CAA. Methanol is a HAP. 42 U.S.C. § 7412(b).

6. "New source" is defined as a stationary source the construction or reconstruction of which is commenced after the Administrator first proposes regulations under Section 112 establishing an emission standard applicable to such source. 42 U.S.C. § 7412(a)(4); see also 40 C.F.R. § 63.2.

7. "Existing source" is defined as any stationary source other than a new source. 42 U.S.C. § 7412(a)(10); see also 40 C.F.R. § 63.2.

8. Pursuant to 40 C.F.R. § 63.4(a), no "owner or operator" shall operate any "affected source" in violation of an applicable NESHAP, except under an extension of compliance or exemption from compliance as provided in that section or in CAA Section 112(i)(4), 42 U.S.C. § 7412(i)(4). An "affected source" is defined as a "collection of equipment, activities, or both

within a single contiguous area and under common control that is included in a Section 112(c) source category or subcategory for which a Section 112(d) standard or other relevant standard is established pursuant to Section 112 of the [CAA]." 40 C.F.R. § 63.2.

9. Pursuant to 40 C.F.R. § 63.6(e)(1)(i), at all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. 40 C.F.R. § 63.6(e)(1)(i).

10. Pursuant to Section 112(d) of the CAA, on April 15, 1998, EPA promulgated the NESHAP for the Pulp and Paper Industry, codified as Subpart S of the MACT standards (40 C.F.R. §§ 63.440-459) ("NESHAP Subpart S"). NESHAP Subpart S applies to the owner and operator of processes that produce pulp, paper, or paperboard; that are located at a plant site that is a "major source"; and that use the following processes and materials: (1) Kraft, soda, sulfite, or semi-chemical pulping processes using wood; or (2) mechanical pulping processes using wood; or (3) any process using secondary or non-wood fibers. 40 C.F.R. §§ 63.440 and 63.441.

11. The NESHAP General Provisions that apply to Subpart S are specified in 40 C.F.R. Part 63, Subpart S, Table 1, and include the definitions in 40 C.F.R. § 63.2, the prohibition in 40 C.F.R. § 63.4(a), and the operation and maintenance requirements in 40 C.F.R. § 63.6(e)(i).

12. NESHAP Subpart S requires, *inter alia*, that each Low Volume High Concentration ("LVHC") system that is at an existing affected source using a kraft pulping process to "be enclosed and vented into a closed vent system and routed to a control device" that meets the requirements specified in 40 C.F.R. § 443(d). 40 C.F.R. § 63.443(a)(1)(i) and (c).

13. "LVHC system" is defined at 40 C.F.R. § 63.441 as "the collection of equipment including the digester, turpentine recovery, evaporator, steam stripper systems, and any other equipment serving the same function as those previously listed."

14. "Digester system" is defined at 40 C.F.R. § 63.441 as "each continuous or batch digester used for the chemical treatment of wood or non-wood fibers. The digester system equipment includes associated flash tank(s), blow tank(s), chip steamer(s) not using fresh steam, blow heat recovery accumulator(s), relief gas condenser(s), prehydrolysis unit(s) preceding the pulp washing system, and any other equipment serving the same function as those previously listed. The digester system includes any of the liquid streams or condensates associated with batch or continuous digester relief, blow, or flash steam processes."

15. The control device used to reduce total HAP emissions from the LVHC system must reduce total HAP emissions by 98 percent or more by weight, or meet other specified requirements. 40 C.F.R. § 63.443(d).

16. NESHAP Subpart S, 40 C.F.R. § 63.443(c), also requires, *inter alia*, that the enclosures and closed-vent systems required by 40 C.F.R. § 63.443(c) for capturing and transporting HAPs meet the requirements specified in 40 C.F.R. § 63.450(b) through (d). 40 C.F.R. § 63.450(a).

17. NESHAP Subpart S imposes various inspection and repair requirements for

enclosures of LVHC systems and closed vent systems, including:

a. Each closed-vent system required by 40 C.F.R. § 63.450(a) shall be visually inspected every 30 days and at other times as requested by the Administrator. The visual inspection shall include inspection of ductwork, piping, enclosures, and connections to covers for visible evidence of defects. 40 C.F.R. § 63.453(k)(2).

b. For positive pressure closed-vent systems or portions of closed-vent systems, demonstrate no detectable leaks as specified in 40 C.F.R. § 63.450(c) measured initially and annually by the procedures in 40 C.F.R. § 63.457(d). 40 C.F.R. § 63.453(k)(3).

c. The following corrective action shall be taken as soon as practicable if a required inspection "identifies visible defects in ductwork, piping, enclosures or connections to covers required by 40 C.F.R. § 63.450, or if an instrument reading of 500 parts per million by volume or greater above background is measured, or if enclosure openings are not maintained at negative pressure."

   i. A first effort to repair or correct the closed-vent system shall be made as soon as practicable but no later than 5 calendar days after the problem is identified.

   ii. The repair or corrective action shall be completed no later than 15 calendar days after the problem is identified. Delay of repair or corrective action is allowed if the repair or corrective action is technically infeasible without a process unit shutdown or if the owner or operator determines that the emissions resulting from immediate repair would be greater than the

emissions likely to result from delay of repair. Repair of such equipment shall be completed by the end of the next process unit shutdown.

40 C.F.R. § 63.453(k)(6).

18. NESHAP Subpart S defines "black liquor" as spent cooking liquor that has been separated from the pulp produced by the kraft, soda, or semi-chemical pulping process. 40 C.F.R. § 63.441.

19. NESHAP Subpart S defines "pulping process condensates" as "any HAP-containing liquid that results from contact of water with organic compounds in the pulping process. Examples of process condensates include digester system condensates, turpentine recovery system condensates, evaporator system condensates, LVHC system condensates, HVLC system condensates, and any other condensates from equipment serving the same function as those previously listed. Liquid streams that are intended for byproduct recovery are not considered process condensate streams." 40 C.F.R. § 63.441.

20. NESHAP Subpart S requires, *inter alia*, that "pulping process condensates" generated produced, or associated with each digester system, which is part of the LVHC system, in a kraft pulping process, as specified in 40 C.F.R. § 63.446(c)(1), (c)(2), or (c)(3), be conveyed in a closed collection system that is designed and operated to meet the requirements of 40 C.F.R. § 63.446(d) and treated in accordance with one of the options in 40 C.F.R. § 63.446(e). 40 C.F.R. §§ 63.446(b)(1) and (5), 63.446(c), 63.446(d), 63.446(e).

Requirements for Title V Operating Permits

21. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, and the implementing regulations at 40 C.F.R. Part 70, establish an operating permit program for certain sources, including "major

sources" as defined in 42 U.S.C. § 7661(2).

22. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), provides that, after the effective date of any permit program approved or promulgated under Title V of the CAA, it shall be unlawful for any person to operate a major source and certain other sources, except in compliance with a permit issued by a permitting authority under Title V of the CAA.

23. Section 504(a) of the CAA, 42 U.S.C. § 7661c(a), and 40 C.F.R. § 70.6(a) require that each Title V permit contain enforceable emission limitations and standards and such other conditions as are necessary to assure compliance with all requirements of the CAA.

24. Washington's Title V operating permit program was granted full approval by EPA on August 13, 2001, (66 Fed. Reg. 42439). Washington's Title V operating permit program is codified at Washington Administrative Code ("W.A.C.") 173-401-100 et seq., otherwise known as "Chapter 401" of the Washington Title V operating permit program.

25. Violations of Title V program requirements and permits are subject to federal enforcement under Section 113(a)(3) of the CAA, 42. U.S.C. § 7413(a)(3).

GENERAL FINDINGS

26. PTPC is incorporated in the State of Washington as Port Townsend Paper Corporation, and licensed to do business in Washington.

27. PTPC is and has been at all relevant times the "owner" and "operator" of the PTPC Mill within the meaning of the CAA and NESHAP Subpart S. *See* 40 C.F.R. § 63.2.

28. The PTPC Mill produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide at high temperature and pressure. The PTPC Mill thus uses a "kraft pulping" process as that term is defined in 40 C.F.R. § 63.441 to

produce pulp, paper, or paperboard within the meaning of 40 C.F.R. § 63.440(a).

29. The digestion process creates pulp along with gaseous byproducts that include volatile organic HAPs (e.g., methanol, acrolein, acetaldehyde, toluene, hexane, and formaldehyde) and total reduced sulfur.

30. Black liquor contains HAPs (e.g., Bis (2-ethylhexyl) phthalate (DEHP), Carbon disulfide, p-Cresol, 1,4-Dioxane (1,4-Diethyleneoxide), Methanol, Methyl ethyl ketone, and Phenol) and total reduced sulfur.

31. The PTPC Mill is a "major source" as defined in Section 112 of the CAA, 42 U.S.C. § 7412(a) and 40 C.F.R. § 63.2, because it emits or has the potential to emit considering controls, in the aggregate, more than 10 tons per year of any single HAP or 25 tons per year or more of any combination of HAPs.

32. PTPC is currently operating the PTPC Mill under a Title V operating permit issued by the Washington Department of Ecology ("Ecology") on January 17, 2007, pursuant to Title V, Section 502 of the CAA, 42 U.S.C. § 7661a, which permit was amended on April 28, 2010 (as so amended, the "PTPC Title V Permit").

33. The PTPC Mill operates one sawdust digester known as the Messing and Durkee continuous sawdust digester ("M&D Digester"). The M&D Digester is a continuous digester used for the chemical treatment of wood or non-wood fibers, and therefore is a "digester system" as defined in 40 C.F.R. § 63.441.

34. In addition, the M&D Digester is part of a "Low Volume, High Concentration" or LVHC System as defined in 40 C.F.R. § 63.441.

35. The M&D Digester is an "enclosure" within the meaning of NESHAP Subpart S, 40

C.F.R. §§ 63.443(c), 63.450, and 63.453(k).

36. The LVHC system at the PTPC Mill associated with the M&D Digester includes a pressure relief valve, referred to as "pressure relief MR66." Pressure Relief MR66 is on the roof of the PTPC Mill on the vacuum side.

37. Pressure Relief MR66 is part of a "closed vent system" within the meaning of NESHAP Subpart S, 40 C.F.R. §§ 63.443(c), 63.450, and 63.453(k).

38. The PTPC Mill also contains a unit referred to as the "Rocket Condenser."

39. EPA Region 10 conducted an inspection of the PTPC Mill on July 6 and 7, 2017.

40. During the July 2017 inspection, the inspector observed that not all emissions from the M&D Digester were routed to a control device meeting the requirements of 40 C.F.R. §§ 63.443(d) and 63.450. Specifically, the inspector observed that some digester gases escaped the rotary valve feeding sawdust and black liquor into the digester and were routed to either 1) a stack directly over the rotary valve, which vented through the roof to the atmosphere, or 2) an open-ended metering screw which transports sawdust and black liquor to the rotary valve, and which vents to the atmosphere.

41. During the July 2017 inspection, the EPA inspector observed that the M&D Digester, rotary valve, screw conveyor, and associated vents and ducting were covered with brown liquid and sawdust. Based on the inspector's observations, the brown liquid and sawdust appeared to be coming from the open-ended inlet of the metering screw, where sawdust and black liquor are mixed prior to being conveyed to the rotary valve and into the digester.

42. Several liquid leaks were observed in the vicinity of the rotary valve, causing liquid to drip onto the equipment below, including the digester.

43. While in the area, the inspector was subjected to an intermittent rain of brown liquid droplets and sawdust observed to originate from the open-ended inlet of the metering screw, where black liquor is mixed with sawdust.

44. Based on his observations and knowledge of where black liquor is added to the digesting process, the inspector identified the brown liquid as black liquor, possibly mixed with water.

45. During the July 2017 inspection, the inspector also observed visible emissions from both sides of the rotary valve as well as the digester surface. Because the surface of the digester and other equipment in the area was significantly coated with black liquor and sawdust, and due to the insulation and sheet metal housing around the digester, the inspector was unable to determine whether the visible emissions resulted from leaks of digester gases from the M&D Digester or whether the visible emissions resulted from evaporation of liquids falling onto the surface of the hot digester.

46. Visible emissions leaking from seams of the M&D Digester are evidence of visible defects in an enclosure within the meaning of 40 C.F.R. § 63.453(k)(6).

47. PTPC's standard operating procedures for inspections for purposes of compliance with 40 C.F.R. §§ 63.440-63.458 (NESHAP Subpart S) states *"Safety Hazard – Be alert for leaking black liquor" and "Take care when walking around up here [i.e., Monorail Roof] since black liquor is on the ground and can be slippery"*

48. On the second day of the July 2017 inspection (July 7, 2017), the inspector observed that that a facility workman was cleaning the M&D Digester rotary valve and associated venting equipment using a pressure washer. The inspector reported that, although the pressure washer

was able to remove significant black liquor and sawdust buildup on the M&D digester system equipment, shortly after the cleaning stopped, the equipment was again coated in black liquor and sawdust. —

49. During the July 2017 inspection, the EPA inspector observed visible emissions leaking from pressure relief MR66.

50. Visible emissions leaking from pressure relief MR66 is evidence of a visible defect in piping within the meaning of 40 C.F.R. § 63.453(k)(6).

51. Information provided by PTPC in Work Order #0130692 shows that the leak from pressure relief MR66 was first detected on December 15, 2016, and that repair was requested "at earliest time."

52. PTPC's "Low Volume High Concentration Gas Collection Compliance Demonstration/Annual Inspection, Jul 24-26, 2017" states that some corrective action to repair the leak on pressure relief MR66 was taken May 2017. The document also states that repair of Pressure Relief MR66 "is infeasible without an entire pulping system shutdown" and that "Repair of MR66 will be completed by the end of the next M&D annual shutdown, August 28-September 1st 2017."

53. Information provided in PTPC's August 30, 2017 Letter and Document Submittal to EPA states, with respect to Pressure Relief MR66, that "repair work is infeasible without an entire mill shutdown, and will be performed during the mill's upcoming M&D shutdown from August 28 – September 1, 2017."

54. Information provided by PTPC indicates that the "M&D/B-line process" was shut down at least three times between December 15, 2016, and July 6, 2017, when the EPA inspector

observed the visible defect (leak) in Pressure Relief MR66.

55. Based on observations and information received from PTPC, the Rocket Condenser consists of a hollow pipe where gasses from the M&D digester system are directly contacted with mill water. Thus, the Rocket Condenser contains pulping process condensates generated, produced, or associated with an equipment system listed in 40 C.F.R. § 63.446(b), within the meaning of 40 C.F.R. §63.446(c).

56. During the July 2017 inspection, the inspector observed that the valve at the lower end of the Rocket Condenser was open and that liquid from the Rocket Condenser was discharging directly onto the ground surface. Pulping process condensates sent to the Rocket Condenser were therefore not enclosed or controlled.

57. Under Condition F.4 and F.4.a. of the PTPC Title V Permit, condensate from the M&D Digester is subject to the condensate treatment standards in 40 C.F.R. § 446(a), (b), (d)(1), (e)(2), and (e)(4). Condition F.4.a states "Enclose, collect, and convey pulping condensates [from the equipment identified in Condition F.4] to condensate collection tanks (CCT) and then to the aerated stabilization basin."

VIOLATIONS

Failure to Enclose and Route the M&D Digester to a Control Device

58. From 2001 to the present, the M&D Digester at the PTPC Mill was not enclosed and vented into a closed-vent system and routed to a control device meeting the requirements specified in 40 C.F.R. § 63.443(d). Specifically, some digester gases escape the rotary valve

feeding sawdust and black liquor into the digester and are vented to the atmosphere.

59. The failure set forth the preceding paragraph violates NESHAP Subpart S, 40 C.F.R. § 63.443 (a)(1)(i), (c) and (d) and also Condition F.3 of the PTPC Title V Permit.

Failure to Inspect and Repair Visible Defects in the M&D Digester and/or Failure to Conduct Good Operation and Maintenance Practices

60. Visible emissions leaking from seams of the M&D Digester are evidence of visible defects in an enclosure within the meaning of 40 C.F.R. § 63.453(k)(6).

61. Based on information and belief, from at least July 6, 2017, to the present, PTPC did not implement corrective actions as soon as practicable to address visible defects in the M&D Digester by taking the following actions:

a. making a first effort to repair or correcting the leaks from M&D Digester as soon as practicable but no later than 5 calendar days after the leaks were identified; and

b. repairing or completing corrective action no later than 15 calendar days after the problem is identified or determining that the repair or corrective action is technically infeasible without a process unit shutdown.

62. Each of the failures set forth in the preceding paragraph is a violation of 40 C.F.R. §§ 63.443(a)(1)(i), 63.443(c), 63.443(d), 63.450, and 63.453(k)(6) and a violation of Condition F.3.a of the PTPC Title V Permit.

63. In addition, or as an alternative to the allegations in Paragraphs 60, 61, and 62 above, on July 6 and 7, 2017, and on dates before and since then based on information and belief, PTPC was not operating and maintaining the M&D Digester and the equipment feeding black liquor to

the M&D Digester in a manner consistent with safety and good air pollution control practices for minimizing emissions. Specifically, PTPC has taken insufficient to prevent black liquor droplets from escaping the equipment feeding black liquor and sawdust to the M&D Digester and falling on hot process equipment, including the M&D Digester, and off-gassing HAPs.

64. The failure set forth in the preceding paragraph violates NESHAP Subpart S, 40 C.F.R. § 63.6(e) and Condition F.6 of the PTPC Title V Permit.

Failure to Repair the Leaking PRV on the LVHC Gas Collection System

65. From approximately December 20, 2016, until approximately August 28, 2017, PTPC did not implement corrective actions as soon as practicable to address visible defects in Pressure Relief MR66 by taking the following actions:

a. Making a first effort to repair or correct the leaking Pressure Relief MR66 as soon as possible but no later than 5 calendar days after the leak was identified; and

b. Repairing or completing corrective action to stop the leak from Pressure Relief MR66 no later than 15 calendar days after the problem was first identified or before the end of the first shut down of the M&D Digester system after December 15, 2016.

66. Each of the failures set forth in the preceding paragraph is a violation of 40 C.F.R. §§ 63.443(a)(1)(i), 63.443(c), 63.443(d), and 63.453(k)(6) and a violation of Condition F.3.a of the PTPC Title V Permit.

Failure to Enclose, Convey and Control
Pulping Process Condensates from the Rocket Condenser

67. On July 6, 2017, and based on information and belief, continuing to the present, the pulping process condensates from the M&D Digester that were routed to the Rocket Condenser were not conveyed in a closed collection system designed and operated to meet the requirements of 40 C.F.R. §§ 63.446(d) and (e).

68. The failure set forth in the preceding paragraph is a violation of NESHAP Subpart S, 40 C.F.R. §§ 63.446(b)(1) and (5), 63.446(c)(3), 63.446(d), 63.446(e) and Condition F.4 of the PTPC Title V Permit.

ENFORCEMENT

69. Section 113 of the CAA, 42 U.S.C. § 7413, authorizes EPA to take any of the following actions whenever, on the basis of available information, EPA finds that any person has violated, or is in violation of, any requirement or prohibition of the CAA:

a. Issue an order requiring compliance with such requirements or prohibition;

b. Issue an administrative penalty order in accordance with Section 113(d) of the CAA, 42 U.S.C. § 7413(d), for civil administrative penalties of up to $25,000 per day of violation;

c. Bring a civil action in accordance with Section 113(b) of the CAA, 42 U.S.C. § 7413(b), for injunctive relief and/or civil penalties of not more than $25,000 per day for each violation.

70. Section 113(c) of the CAA, 42 U.S.C. § 7413(c), authorizes EPA to request the

Attorney General to commence a criminal action for knowing violations of the CAA.

71. Under Section 306 of the CAA, the regulations promulgated there under (40 C.F.R. Part 32), and Executive Order 11738, facilities to be used in federal contracts, grants, and loans must be in full compliance with the CAA and all regulations promulgated pursuant to it. Violation of the CAA may result in the subject facility being declared ineligible for participation in any federal contract, grant, or loan.

72. Pursuant to the Federal Civil Penalty Inflation Adjustment Act of 2015, and as provided in 40 C.F.R. Part 19, the amounts specified in the forgoing paragraphs have increased to $37,500 per day for each violation occurring from December 7, 2013 through November 2, 2015, and $46,192 (administrative actions) and $97,229 (civil actions) per day for each violation occurring after November 2, 2015.

73. This Notice of Violation does not waive or limit EPA's right to any remedy available to it under the CAA.

74. This Notice of Violation shall be effective immediately upon issuance.

Issued this 12TH day of April, 2018.

Edward J. Kowalski, Director
Office of Compliance and Enforcement